



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

David K. Paylor
Director

Jeffery A. Steers
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO

PRINCE WILLIAM HEALTH SYSTEM For PRINCE WILLIAM HOSPITAL

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1316.C, 10.1-1307.D, and 10.1-1309, between the State Air Pollution Control Board and Prince William Health System, for the purpose of resolving certain violations of the Air Pollution Control Law and/or regulations as specified in Section C of this Order.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Order.
7. "Facility" means the Prince William Hospital located at 8700 Sudley Road, Manassas, Virginia 20110 in Prince William County, Virginia
8. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. Prince William Health System ("Prince William") owns and operates the Prince William Hospital in the City of Manassas, Virginia. Prince William Hospital is a regional not-for-profit hospital serving the community of Manassas, Virginia.
2. In September 2006, Prince William verbally self-reported to DEQ that they had installed and operated two new boilers in 2005 and had the intention to install a third.
3. Due to their size, Prince William's previous boilers were not subject to air permitting regulations. The heat input of the newly installed boilers subject Prince William to the EPA's New Minor Source Performance Standards (40 CFR Part 60 Subpart DC) and Board regulations and permit requirements (9 VAC 5-50-50; 9 VAC 5-80-1120.A).
4. Prince William failed to obtain a permit prior to installing the boilers in 2005 and also failed to notify DEQ of the installation of the boilers, the anticipated startup date of the boilers, and the actual startup of the boilers.
5. DEQ sent Prince William a Notice of Violation (NOV) on November 7, 2006, alleging the following violations:
 - Failure to obtain a permit to construct or modify a stationary source pursuant to 9 VAC 5-80-120.A.
 - Failure to provide written notification of the date of commencement of construction of a new source, the anticipated date of initial startup of a new minor source, and the actual date of initial startup of a new minor source pursuant to 9 VAC 5-50-50.A and 40 CFR 60.7(a).
6. DEQ met with Prince William on November 29, 2006, to discuss the violations. Prince William claimed that it was not deliberately non-compliant with the applicable regulations. Instead, Prince William stated that it was not aware of the regulations that pertained to their actions.
7. Prince William submitted a Form 7 Air Permit Application on October 2, 2006, for the two boilers that were installed and operated in 2005 without a permit. The

permit application is currently under review. No further actions are required to return it to compliance.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1316(C), orders Prince William Health System, and Prince William Health System voluntarily agrees, to pay a civil charge of \$8,000 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Prince William Health System shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Prince William Health System.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Prince William, for good cause shown by Prince William, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Prince William Health System by DEQ on November 7, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Prince William admits the jurisdictional allegations, but neither admits nor denies the factual findings, and conclusions of law contained herein.
4. Prince William consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

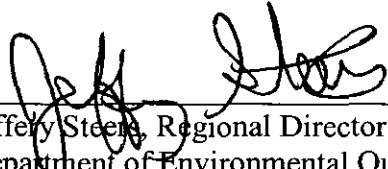
5. Prince William declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Prince William to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Prince William shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Prince William shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Prince William shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Prince William. Notwithstanding the foregoing, Prince William agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Prince William. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Prince William from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Prince William voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of February 20, 2008.


Jeffery Steere, Regional Director
Department of Environmental Quality
Northern Virginia Regional Office

[Facility Name] voluntarily agrees to the issuance of this Order.

By: Cynda M. Tipple
Date: 2/15/07

Commonwealth of Virginia

City/County of Prince William

The foregoing document was signed and acknowledged before me this 15th day of February, 2008, by Cynda Tipple, who is
Cynda Tipple

COO
CEO of Prince William Hospital, on behalf of Prince William Health System.

Bonita L. Marabella
Notary Public

My commission expires: March 31, 2010